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SUBJECT: SOUTHEAST TURKEY: MINORS INDICTED, KURDISH LANGUAGE UNDER FIRE

REF: A. ADANA 82

[1](#)B. 05 ANKARA 3112

[1](#)1. (SBU) Our contact at the Diyarbakir Bar Association told us that 5 of the 57 minors remaining in custody after the recent civil unrest in Diyarbakir (reftel) were released on April 25, leaving 52 minors in prison. According to the press, the Children's Branch of the Prosecutor's office has prepared an indictment demanding action against 36 children on grounds that they are members of a terrorist organization. Our contact said that neither the childrens' lawyers nor the court had yet examined the indictment; and that the judges were required to approve or reject the indictment. He said that a court ruling must take place within 20 or 30 days after judges examine the indictment. He added that the situation would become clearer in a week.

Kurdish language expression being curbed

[1](#)2. (SBU) Diyarbakir attorney Sedat Cinar told us that on April 20, the Second Civil Court of First Instance in Diyarbakir closed down Kurd-Der (the name means "Kurdish Association" in English), a Diyarbakir-based association devoted to promoting Kurdish as a language of education in Turkey. (Note: Cinar, a former International Visitor Program participant, is handling Kurd-Der's defense. End note.) The association's activities were suspended in July 2005, pending an indictment issued in May 2005, under Turkey's Civil Code and Anti-Terror law.

[1](#)3. (SBU) Cinar outlined the prosecutor's four charges against Kurd-Der: 1) Use of the letter "d" in the compound noun "Kurd-Der" does not follow proper Turkish linguistic rules; the "d" in Kurd-Der should be replaced by "t," and thus Kurd-Der should be changed to Kurt-Der; 2) The association has defended in its charter the use of Kurdish as a language of education in primary and secondary schools.; 3) The association has written in its charter that it will use both the Turkish and Kurdish languages in its activities, while the law requires that only Turkish be used; and 4) Association members have included in their charter their intent to form a Kurdish language archive, museum and library. Cinar told us that he expects the court to issue a written rationale for its actions next week. A representative of Kurd-Der told us that the Diyarbakir-based association was formed in 2005 when Turkey was harmonizing its laws with EU requirements for supporting mother tongue

languages, and other minority rights. In November 2005, attorney Cinar took the Kurd-Der case to the European Court of Human Rights (ECHR), where it is still pending.

14. (U) It is worth noting that the High Court of Appeals in 2005 ordered the closure of Egitim-Sen, Turkey's largest teachers' union, on the grounds that its bylaw advocated education in mother tongues. Egitim-Sen avoided closure by removing the mother tongue article from its bylaw, while filing a case with the ECHR, which remains pending.

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